STREET SPIRIT

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JUSTICE NEWS & HOMELESS BLUES IN THE BAY AREA

Can Oakland Fix the Homeless Crisis It Created?

Many of Oakland's homeless people are African Americans displaced into illegal encampments. City officials have used the decline in the African-American population to market Oakland to outsiders.



"I Am My Brother's Keeper." **This photo by Perkin Edwards was part of a project by St. Mary's Center where homeless people documented homelessness in Oakland. Perkin Edwards said, "All human beings are family and friends we haven't met yet."**

by Kheven LaGrone

I remember when I came to the realization that Oakland's gentrification meant displacing its African Americans. I was the new project engineer on construction of the Port of Oakland's Middle Harbor Shoreline Park.

I was the only African American on the team. The Port had proudly announced that it was working with the neighboring West Oakland African-American community in the creation of the park. However, I never saw anyone from West Oakland at the meetings.

At one meeting, an artist presented conceptual drawings of the park. The drawings excited the team. In the artist's conception, the park was beautiful and full of white people. Everyone was proud of the park — except me.

"Can African Americans come to the park?" I asked. The artist nervously re-did the drawing and painted a couple of the people brown. "It's nice that Latinos and dark East Indians can use the park, but can African-Americans with nappy hair like mine use it?" I asked.

That moment angered me. In the community in West Oakland, our neighbors and partners were proudly African-American. How could everyone not notice the omission of African Americans?

As we completed the park, the team wanted to show it off. They wanted to make it a "regional park." They talked excitedly about advertising the park to Danville, Blackhawk and other white suburbs. Even though the Port is a department of the City of Oakland, the team said nothing about advertising to West Oakland or other African-American communities.

I learned that successful gentrification meant showing off the project to their white peers outside Oakland. To them, we African Americans were invisible and unworthy of a nice, new park.

Homeless people were expressly not welcomed at the park. For example, a team member suggested at an outside meeting that we use concrete benches "so homeless people won't sleep at the park."

As the biting cold wind coming off the water hit my face, I thought about the homeless people in Oakland that I saw every day. Most of them were African-American. I knew many of their names and stories.

"If someone is so bad off that he has to sleep out here," I said angrily, "then we should not make things worse for him."

Nameless and Faceless

Yet, my co-worker did not ask why the person had to sleep on a park bench in the freezing cold. Instead, he had dehumanized the homeless person like vermin. By rendering the homeless person nameless and faceless, my co-worker felt he had an excuse to unwelcome and even remove the homeless person without guilt. He could still brag about the beautiful park.

Years later, Oakland officials would use the decline in the city's African-American

See **Shelter Crisis in Oakland** *page 6*

Berkeley Declares an Official Shelter Crisis

by Carol Denney

The Berkeley City Council officially affirmed — in the quietest way possible — that Berkeley has a shelter crisis at its council meeting on Tuesday, January 19, 2016.

Councilmember Laurie Capitelli requested that "Declare a Homeless Shelter Crisis in Berkeley," an action calendar item, be added to the consent calendar instead, the place where non-controversial items can be grouped together for quick passage without the need for changes or discussion. There were no objections.

The item had come from Kriss Worthington's office and had been booted from meeting to meeting since before the holidays. Worthington is one of the few on the Berkeley City Council who has consistently responded to the need for low-income housing and resisted the criminalization of poverty in the many years he has represented District 7, the southside of the UC campus.

Perhaps the critical mass of people shivering in doorways, behind dumpsters, under freeway overpasses and in parks has finally stuffed a sock in the "we do enough for the homeless" song Mayor Tom Bates usually sings in the face of any suggestion that Berkeley should do more.

Most of the Berkeley City Council loves that song, a song also sung by other city councils which flutter their fans over the common refrain that doing anything more should wait until there's a "regional" approach to housing, and federal or state funding is made available, etc.

It tempts the creative among us to draw a comic of a ragged guy shivering on the street corner holding a sign that says, "Waiting for a regional approach to homelessness. PLEASE HELP."

It might be considered hypocritical for a council majority which spent the summer hammering its way relentlessly toward another anti-homeless law (fondly known as the "two square foot law") to even acknowledge a "Homeless Shelter Crisis"

See **Berkeley Declares Shelter Crisis** *page 11*



Liberty City revealed the human face of Berkeley's "shelter crisis." Lydia Gans photo

Perhaps the critical mass of people shivering in doorways, behind dumpsters, under the overpasses and in parks has stuffed a sock in the "we do enough for the homeless" song Mayor Tom Bates usually sings in the face of any suggestion that Berkeley should do more.

Berkeley Fails to Control Police Misconduct

The Glaring Omissions in the Police Review Commission Report

CS gas was banned in warfare by the Chemical Weapons Convention of 1993. Nearly every nation in the world, including the U.S., signed this agreement, yet Berkeley police use CS gas against civilians.



Photo credit: Rachael Garner, The Daily Californian www.dailycal.org

During the protests, people trying to nonviolently express opposition to police misconduct were obstructed and injured. Press officers were injured. Religious leaders were injured. People trying to help the injured were injured.

by Carol Denney

You have to feel sorry for the Berkeley Police Review Commission. They discuss police policy while sitting in the same room with the police — who wear guns. They sit behind their name tags so there's no hiding place at the Police Review Commission (PRC) meetings. People enter the room and realize that their beat cop, who is sitting right there, doesn't enjoy hearing his or her behavior criticized and might remember a complainant's name.

So it's perhaps no wonder the PRC discovered they had a lot of agreement with the Berkeley Police Department's (BPD) own assessment of the police response to the Black Lives Matter march on December 6, 2014. What many saw as a police riot was acknowledged by both the PRC and BPD as a carnival of idiocy.

Marchers were beaten, shot with beanbags, and gassed for failing to disperse in places where they *couldn't* disperse thanks to being blocked on all sides by police. Orders to disperse from one location were somehow supposed to magically apply to locations blocks away with *entirely different groups of people.*

The very few incidents of vandalism and violence were allowed to proceed unhindered by the police, while people trying to nonviolently express opposition to police misconduct were obstructed and even injured. Press officers were injured. Religious leaders were injured. People trying to help the injured were injured.

The commissioners can't even roll their eyes when the sheer nonsense of police behavior becomes overwhelming, as documented in the report about the December 6, 2014, protest march in Berkeley. The people who attend and speak at PRC meetings are often traumatized, and represent only a fraction of the traumatized community that usually doesn't bother to try to illustrate police misconduct to the commission.

The commission's stoicism, which plays well with the police, is often misinterpreted by an often frustrated public. Despite this, the current commissioners have a commendable level of respect among themselves, with the police department, and with the public.

But there's no excuse for their refusal to address two glaring omissions in their report. The first is the absence of competent leadership in the Berkeley Police Department. Crafting or improving police guidelines at all is an exercise in futility in a setting where the police's understanding of any demonstration is that once the black-clad, masked vandals in the fringe of a nonviolent group break a window, everybody gets the full monte — beaten, gassed, trapped between police lines, and thoroughly discouraged from ever attempting to exercise their civil rights again.

Most of us who were there at the Black Lives Matter protest in December 2014, including a few members of the Police Review Commission, watched the police use their vast array of quasi-military equipment to injure, scatter, even shoot aerosol chemical agents at the public in an effort to defend first the Public Safety Building — which is the new euphemism for police headquarters, and was not in any way a target of the protesters — and then later the freeway on-ramp at 180, *while letting vandals and fire-setters run* through commercial districts smashing windows and setting fires. Citizens who tried to defend their homes from being burned to the ground were on their own.

There is some acknowledgement in the report from both the police and the Police Review Commission that leadership stuff went wrong. It's delicately put, but it's there in the report:

BPD Recommendation #5: "Tactical command decision-making and responsibility should be relocated from the Department Operations Center to the field. We recommend coordination of squad movements happen in the field."

The Police Review Commission "endorsed BPD's Recommendation #5 as written" so it didn't have to say something like, "have somebody in charge who knows what's happening," or worse.

This will isolate the Chief of Police from responsibility for what takes place, so it isn't a recommendation that should bother him. And if he wants to be part of the escalating waves of over-reaction building between frustrated protesters and equally frustrated police officers, he can come out and join them; at least he'll have a gas mask — unlike the public.

The refusal to address leadership failures that night did not go entirely unnoticed, as some speakers at the recent public comment period on the report implied. It's just that it's buried in phrases which come even from the police officers who wrote the report. BPD Recommendation #7 states, "We recommend commanders in the field make redeployment decisions proactively based on known situational awareness." In other words, the people in charge of the police next time *should have a clue*.

The second disturbing omission is the unwillingness of the PRC to take a united stand against the use of CS gas on protesters. CS gas is a chemical agent banned in warfare per the Chemical Weapons Convention of 1993. Nearly every nation in the world, including the United States, signed this agreement.

CS gas, which is not technically a gas but rather an aerosol of a volatile solvent, causes an immediate involuntary burning sensation, temporary blindness, severe pulmonary damage, miscarriages, and can significantly damage the heart and liver.

But it was used in Berkeley on the Black Lives Matter protest in December of 2014. The police insist that a provocative flier they saw before the march with a man sitting on a damaged police car entitled them to assume that it was a "Fuck the Police" protest, despite nationwide protests over police shootings at the time, and planned accordingly.

Anyone who has attended demonstrations in the Bay Area in the last 30 years knows that the majority in any crowd have no interest in violence, vandalism, or trouble and will, as was the case in December 2014, try valiantly to de-escalate trouble, confront violence, protect beloved businesses, etc.

Spraying that nonviolent majority with chemical agents known to cause injury is inexcusable. The PRC can insist that civil rights of the nonviolent majority be respected and even write it down in their report, but since they did not preclude the use of CS gas, a weapon precluded for use in war, the police can use it anytime they find, or craft, a flier implying that some of the crowd might be violent. Because that is what has happened again and again.

The current leadership vacuum in Berkeley, both at the City Council and Police Department, leaves citizens at serious risk whether they join a civil rights march or not.

Both the police and a majority of the current Police Review Commission insist that a volatile compound — an aerosol chemical agent with serious medical consequences and which can kill people with respiratory and cardiovascular vulnerabilities — remain in the hands of a police department which, after two years of considered deliberation, is willing to describe itself as having no clear sense of what's going on and wants an even larger arsenal of quasi-military weapons.

It's important to note that three members of the Police Review Commission issued a minority report. Commissioners Bartlett, Lippman, and Sherman dissented on the use of CS gas, or "tear gas" as it is sometimes inaccurately described, recommending a prohibition on its use in crowd control and crowd management. And there are good reasons for this.

The Berkeley Police Department suffered absolutely no consequences for their refusal to differentiate between the fellow who is burning down a local business and the gray-haired couple who are strolling to the theater. Their objective seems to have been to indiscriminately clear the streets.

Dispersal orders, even the few that were given, were often drowned out by the roar of news helicopters. Many university students reported hearing voices from garbled loudspeakers combined with the sound of helicopters and came out into the streets in a perfectly natural effort to find out what was going on.

CS gas itself is equally indiscriminate. The severity of exposure is not a controlled or controllable matter, but depends on the following factors.

1. Whether or not the area is enclosed, or semi-enclosed

CS gas is less likely to disperse in a setting such as a dense commercial district typical in Berkeley, which often has residential units on second and third floors above businesses.

2. Whether or not one has protective clothing or equipment

Even clothing exposed to CS gas often cannot be washed or touched without secondary effects and often has to be thrown away, leaving medical personnel or protesters trying to assist the injured at severe risk of incapacitation. Exposure was reported inside the upper residential floors of commercial districts.

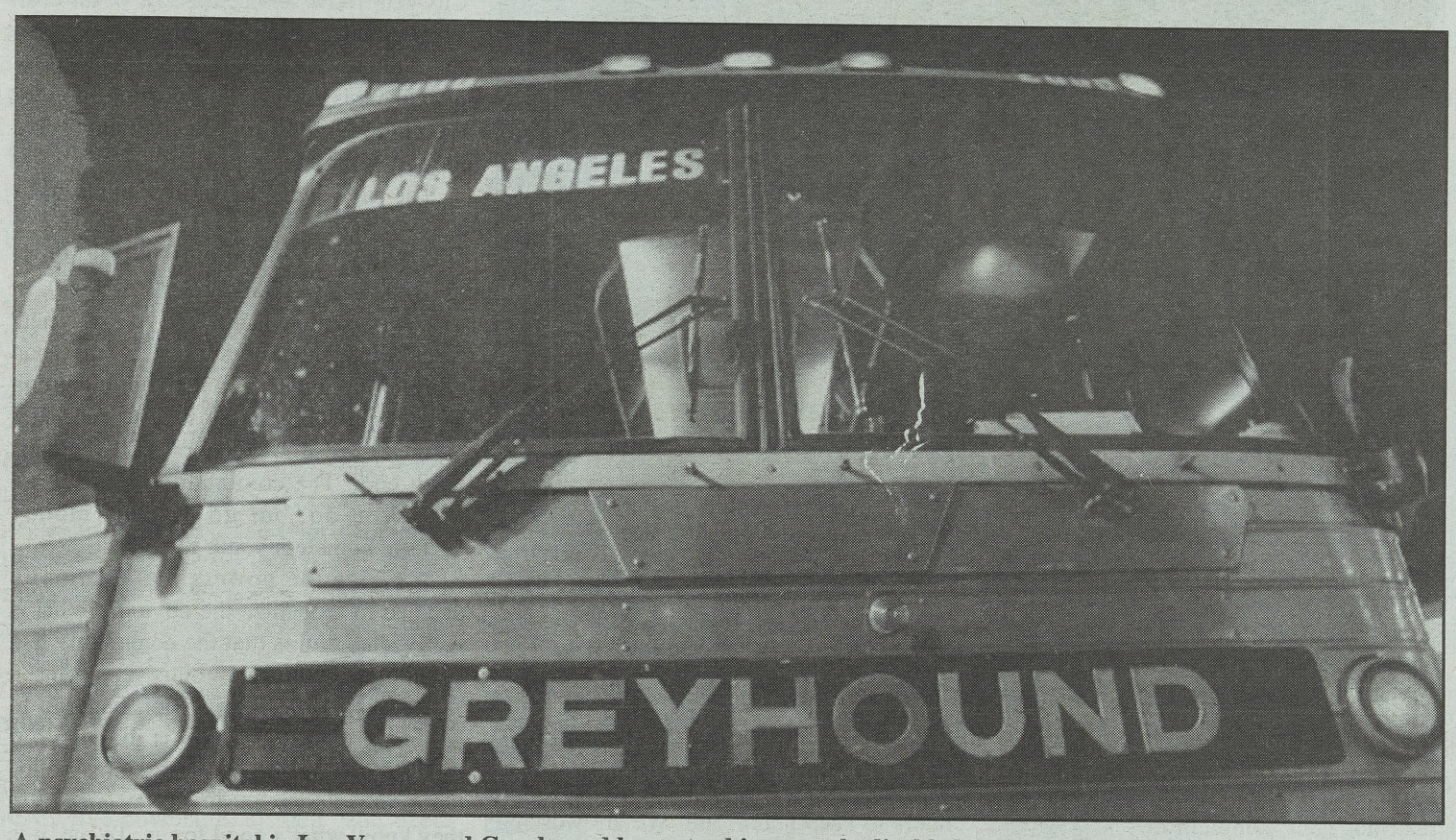
3. The wind

The wind, especially compounded by the tunnel effects in commercial districts,

See **Glaring Omissions in PRC** *page 10*

Greyhound Therapy

Symptom of a Failed Mental Health System



A psychiatric hospital in Las Vegas used Greyhound buses to ship severely disabled patients out of Nevada to other states.

by Kamran Abri

In September 2013, the city of San Francisco sued the state of Nevada for the wrongful transportation of patients with severe mental health diagnoses across state lines. It had been a common practice of Rawson-Neal Psychiatric Hospital, a state mental health facility in Las Vegas, to hand out bus tickets and a bag lunch to approximately 1500 patients, "transferring" them to states all over the country.

In many of these so-called patient transfers over the previous five years, patients were sent to states where they had never been a resident or known anyone who was a resident. They were sent to areas that had no infrastructure for health, or had no mental institution prepared to receive them.

Instead, they were released with cryptic instructions like, "Discharge to Greyhound bus station by taxi with 3 day supply of medication... Follow up with medical doctor in California."

San Francisco identified 24 patients dumped from Rawson-Neal Hospital in total, 20 of whom were in need of medical care "within mere hours of getting off the bus," according to the lawsuit.

In September 2015, Nevada and San Francisco agreed to a settlement amount of $400,000 to cover the $500,000 the lawsuit estimated had been spent on the care of these patients.

The wrongdoing in this case was fairly clear. Nevada state and health officials strung together a thin veil of excuses, ranging from denial to arguing that they were sending these patients directly to family members and other mental health facilities (possibly true in some cases, blatantly false in a majority of them).

Meanwhile, Rawson-Neal had its accreditation temporarily suspended pending drastic amendments to their "patient transfer program." The amendments came, and accreditation was restored (in its new form, the program has become strikingly similar to San Francisco's own "Homeward Bound" program, which contains strict guidelines requiring documentation that someone at the destination is planning to receive the transferred individual).

Now, it may seem that everything in this situation has been resolved. Although it has been at the expense of effective, ethical, and common-sense care for thousands of patients that Rawson-Neal scattered all across the United States, they have fixed their immensely flawed and horrible system and now exist under close scrutiny of the federal government.

However, the Rawson-Neal incident is simply a reminder of something that is surprisingly common in the United States: "Greyhound Therapy."

The practice of packing up patients with severe mental health problems into Greyhound buses to send them to cities and counties across the United States began in the 1960s as a result of the massive, sweeping budget cuts imposed on inpatient mental health facilities. The closing of inpatient facilities forced the patients onto the streets, and Greyhound therapy became a means to remove patients from the facilities that managed to stay open and deliver them to streets elsewhere in the country, where they would no longer be a problem (or an expense) for that facility.

An estimated 20-25 percent of the homeless population in the United States suffer from severe mental health issues. These individuals provide concrete evidence that the mental health system in the country has broken down completely, and the continued practice of Greyhound Therapy is a stark reminder that we have made few, if any, improvements over the decades.

In truth, Greyhound Therapy is the inevitable result of a combination of issues, and therefore remains an extremely important symptom for us in measuring the dire straits of mental health care. With few inpatient and outpatient facilities devoted to mental health, we see an inevitable overcrowding of the services that remain available.

These available services are overworked and underfunded, and thus we see the barbaric practice of Greyhound Therapy march on. But this also reveals the "out of sight, out of mind" mindset that has been adopted by mental health facilities across the country. There is no consideration for more effective programs, such as increased transitional housing and Housing First. In the case of Rawson-Neal, there was not even the consideration of sending patients to another hospital or to a family member.

Our nation's mental health system is in a state of crisis. A class of internal refugees has been created, refugees of failed mental health care and social policy systems whose administrators and lawmakers choose to ignore proven interventions and instead predictably opt to shuttle the homeless and underserved to other cities, counties, or even states.

This is not ethical, nor is it effective. The fact that Greyhound Therapy is still alive and kicking in the modern era in cases like Rawson-Neal should be a sign to us all that very little has changed.

Everything must change, and it must change now. If it does not, then we must all come to terms with the fact that those with the agency to make change are no longer listening.

STORIES FROM THE SUITCASE CLINIC

Free Meal

Josie de la Cruz Park
Oakland
Monday, February 15
5:00 p.m.

Free hot stew and bread will be served by a community group in Oakland, on Monday, February 15th beginning at 5 p.m. The meal will be at Josie de la Cruz Park (East 16th St and Fruitvale Ave).

All are welcome.

Gimme Some Truth

Compiled by Daniel McMullan

Imagine no possessions
I wonder if you can
No need for greed or hunger
A brotherhood of man
Imagine all the people
Sharing all the world...
— *John Lennon*

No one is useless in this world who lightens the burdens of another.
— *Charles Dickens*

The purpose of life is not to be happy. It is to be useful, to be honorable, to be compassionate, to have it make some difference that you have lived and lived well. — *Ralph Waldo Emerson*

No one has ever become poor by giving.
— *Anne Frank*

There is no exercise better for the heart than reaching down and lifting people up. — *John Holmes*

I don't want to live in the kind of world where we don't look out for each other. Not just the people that are close to us, but anybody who needs a helping hand. I can't change the way anybody else thinks, or what they choose to do, but I can do my bit. — *Charles de Lint*

You have not lived today until you have done something for someone who can never repay you. — *John Bunyan*

Love is not patronizing and charity isn't about pity, it is about love. Charity and love are the same; with charity you give love, so don't just give money but reach out your hand instead. — *Mother Teresa*

Non nobis solum nati sumus. (Not for ourselves alone are we born.)
— *Marcus Tullius Cicero*

Street Spirit

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Homeless Youth: A Bright and Shining Light

Commentary by Mike Lee

Kriss Worthington announced recently in an email to the community that "Item 35 to adopt a resolution declaring a homeless crisis was unanimously approved by the City Council."

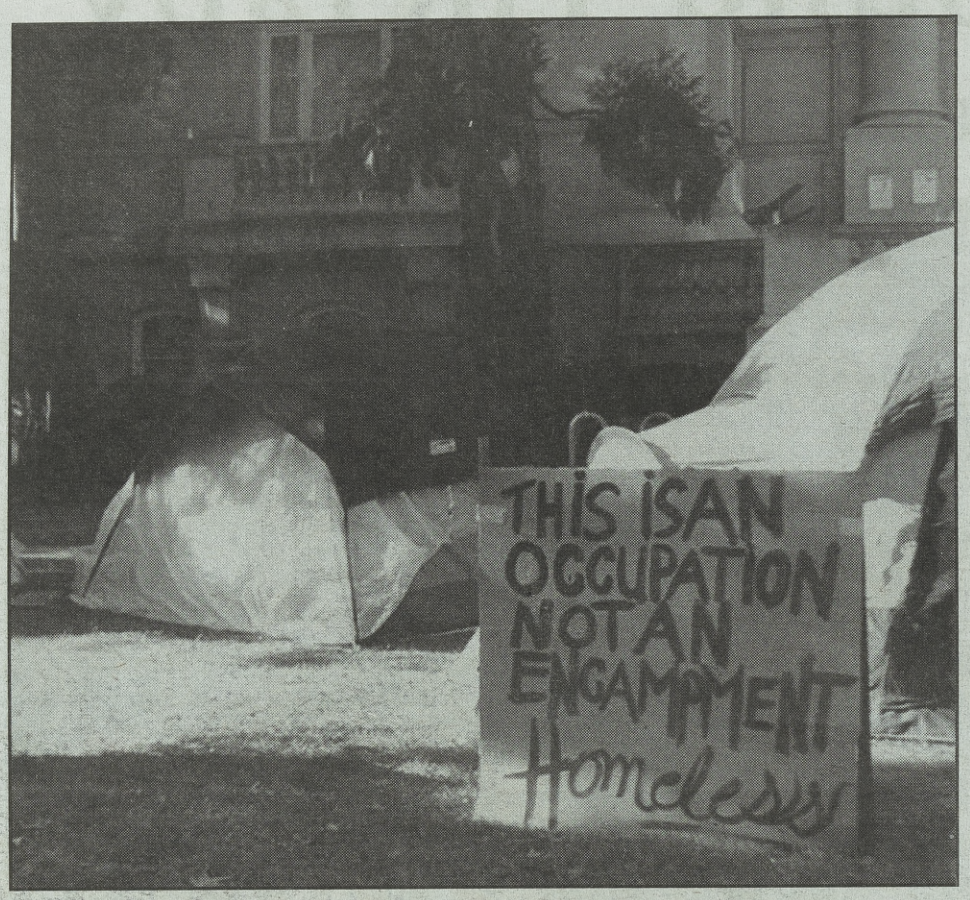
Worthington added, "This simple common sense measure was only delayed twice from Dec. 15 and Jan. 12 before last night's successful adoption." He goes on to gently remind the reader that this is but one small step and the next battle is over the Homeless Task Force Tier One recommendations on February 9th.

Passage of the crisis resolution is largely symbolic because, unlike other cities, it does not carry a financial commitment. In a macabre, Abbott-and-Costello-like skit, there lacks any type of plan or intent to even decide what the next step is. Not only is the majority of the council (led by Capitelli and Arreguin) befuddled by who's on first, they can't even find it!

It is especially disturbing to me that the obvious is overlooked. All you have to do is walk down Shattuck to discover we have a serious challenge called homelessness. It is unacceptable to me that simple cost-effective solutions which are in place to confront this conundrum have to struggle for funding.

On February 9, the City Council will be presented with a request to fund an "indoor space for homeless youth during El Nino" (as stated in a Worthington email).

The proposal is being presented primarily by Youth Spirit Artworks (YSA) in partnership with YEAH (Youth Engagement, Advocacy and Housing). Along with their impeccable record, YSA brings with them a matching grant commitment.



Longtime homeless activist Mike Lee was a leader in the Liberty City occupation.

"YSA has received a new matching grant that will make it possible for all gifts to Youth Spirit to be matched dollar for dollar up to $25,000! The gift is focused on building our collaboration with YEAH shelter providing jobs training for homeless youth indoors during El Nino. We have opened our doors from 8:30 a.m. to 6:30 p.m. daily, for a total of up to 40 additional hours to keep youth safe. We are working hard to create 24/7 empowering and positive indoor space for youth this winter."

Once funding is in place, the end result is homeless youth will be provided with shelter 24/7. At night they stay at the YEAH shelter. During the day they can program at YSA. This is exactly the wrap-around solution which has proven an effective method in lending a hand up and not a hand out to homeless youth — one of which I support wholeheartedly.

The amount requested is a miniscule $15,000. To me this is a no-brainer. For the City gets 100% service for 50% of the cost. What a deal! Hell, give them the whole $25,000 and ask them to bring another bargain like this one. This proposal is good for the city, it's good for the community and it's good for homeless youth.

The nay-sayers will wail "but we don't have any money!" Let's see, there are 100,000-plus residents of Berkeley. If each one gave a quarter, that's $25,000.

Hey Arreguin, isn't this your district? Stop beating your chest about all the good things you've done and get your marching boots are on. Get on the street corner with a bucket, go door to door, sell cookies, wash cars. The community doesn't care what you do, but go get this money because homeless youth can't wait.

It's nice the powers that be finally decided to recognize the obvious. What is really shameful is that the community had to keep on harping about this very point.

At this point, the question begging to be answered is this: Who is in charge of the City? According to professional politicians, it's them, because they and only they know what's good for us. To me, it is the community who, at the end of the day, pay all of the bills and are the true experts on what's best for them.

Mike Lee is a homelessness activist who describes himself as "the third mayoral candidate with a new vision for a new future: a campaign of solutions and not promises."

New Shelter System Opens in Berkeley, Yet Homeless People Face Increased Attacks from City Officials

by Lynda Carson

The Homeless Crisis Resolution Center (HCRC) opened its doors in Berkeley on January 5, 2016, and the service provider may prove to be more helpful to those who need services the most, rather than only benefiting those who are most clever at getting services.

Homeless persons may register at 1901 Fairview Street in Berkeley to seek shelter, or call 866-960-2132, or they may be allowed to register on the streets with the help of an outreach team. There are 122 beds in this program, and if space is available, homeless persons can register with HCRC, and will be given directions to find a bed for the night. Also, during storms, the homeless may call 510-684-1892 to seek shelter from the storm.

In the old system, homeless people used to go from one shelter to another, hoping for the best, until they were lucky enough to find a bed, if one was even available. It was no easy task to find a bed at night, especially for disabled persons and those without a vehicle to get around.

Though this new system still lacks enough housing for all the homeless people, HCRC may be able to provide "shelter plus care vouchers" to some of the homeless who are disabled. The vouchers may be used to subsidize their housing.

However, many of the greedy landlords do not accept them in Berkeley anymore, because market-rate rents are so high at present. In a recent rent study, Berkeley was listed as having the sixth highest rents in California. Rent hikes in California have outpaced the national average during every month of 2015, according to ApartmentList.com.

Homeless persons may also access the services provided by HCRC even if they choose to not stay in shelters in Berkeley.

FOOD NOT BOMBS

Free meals are served by East Bay Food Not Bombs at Peoples Park five days a week around 3:00 p.m., near Dwight Way and Telegraph Avenue.

Lydia Gans is a longtime member of East Bay Food Not Bombs, and said: "Things are very bad for the homeless presently, because they keep passing laws to criminalize the homeless. But people still keep trying to help the homeless out. There is JC Orton out there helping the homeless, and he runs a shelter with 65 beds for emergencies."

Gans went on to describe the many meals provided by East Bay Food Not Bombs, week in and week out. She said, "We are feeding around 85 to 100 people five days a week at People's Park. At the end of the month we are feeding more people daily, as they run out of money. It is mostly older men that we are feeding, and we believe many of them are veterans.

"We serve vegetarian food, including fruit, salads, and plenty of rice and beans. It is all good basic food. The people know the food is good for them, and from time to time we give them sandwiches also, with some good fruit juice."

Food Not Bombs not only serves in Berkeley, but also serves food in Oakland, she said. "We serve food on Sundays to the homeless at 3:00 p.m. in front of the Sutter Hotel in Oakland. We give food away also on Thursdays in front of the Recycling Center in Oakland at Peralta and 31st Street. We also provide food at various demonstrations and protests in the Bay Area. There are around 40 to 50 people involved with East Bay Food Not Bombs."

BERKELELY'S GROWING INTOLERANCE

There is a growing intolerance towards homeless people in Berkeley. Under Mayor Tom Bates, the city has become much more conservative in its social policies, and Mayor Bates and some of the City Council members have tried to criminalize homeless people. As a result, people on the streets have been under attack repeatedly in recent years.

Most recently, in November and December of 2015, the City Council passed a series of measures to address the concerns of the Chamber of Commerce and the commercial business interests that want to run the homeless out of Berkeley.

The City Council passed an ordinance on December 1, 2015, that requires homeless persons on the street or plazas to confine all of their belongings to a two-by-two-foot area between 7:00 a.m. and 10:00 p.m. People with shopping carts have also been targeted.

They can only leave their shopping carts in one spot for an hour at a time, from 7:00 a.m. until 10:00 p.m., or they face the risk of receiving a citation for an infraction. Dragging poor people into court for small infractions is just one of the ways the homeless have been targeted and criminalized. The penalties can become serious burdens, especially if they miss a court appearance.

John Caner, the CEO of the Downtown Berkeley Association, has been attacking the homeless community, and has opposed more bathrooms downtown for them. Meanwhile, the City has failed to maintain the existing public bathrooms, which are often closed. Members of the City Council used this issue to publicly denigrate homeless people for urinating and defecating on the streets, because there are not enough bathrooms available.

Homeless people are being set up by the powers that be. Not only are they criminalized due to the lack of public bathrooms, but the City Council then used that as a wedge issue to deepen public hostility towards them.

The homeless are also under attack by City Councilmember Linda Maio, who recently accused them of leaving human feces, condoms, bedding, trash, needles, and empty alcohol bottles in the parks.

The *Street Spirit* newspaper, directed by Terry Messman, and supported by the American Friends Service Committee, is also available in Berkeley to assist the homeless. Homeless persons are allowed to get as many as 50 newspapers a day, and then can sell them for $1 dollar each, and keep all the money they earn, to spend as they please. The Suitcase Clinic is also available in Berkeley to assist the poor and homeless with their needs, in a friendly environment.

With the ongoing attacks on homeless people, and these repeated efforts to criminalize them and run them out of town, it appears that the days when they could relax in city parks without the cops harassing them are long gone.

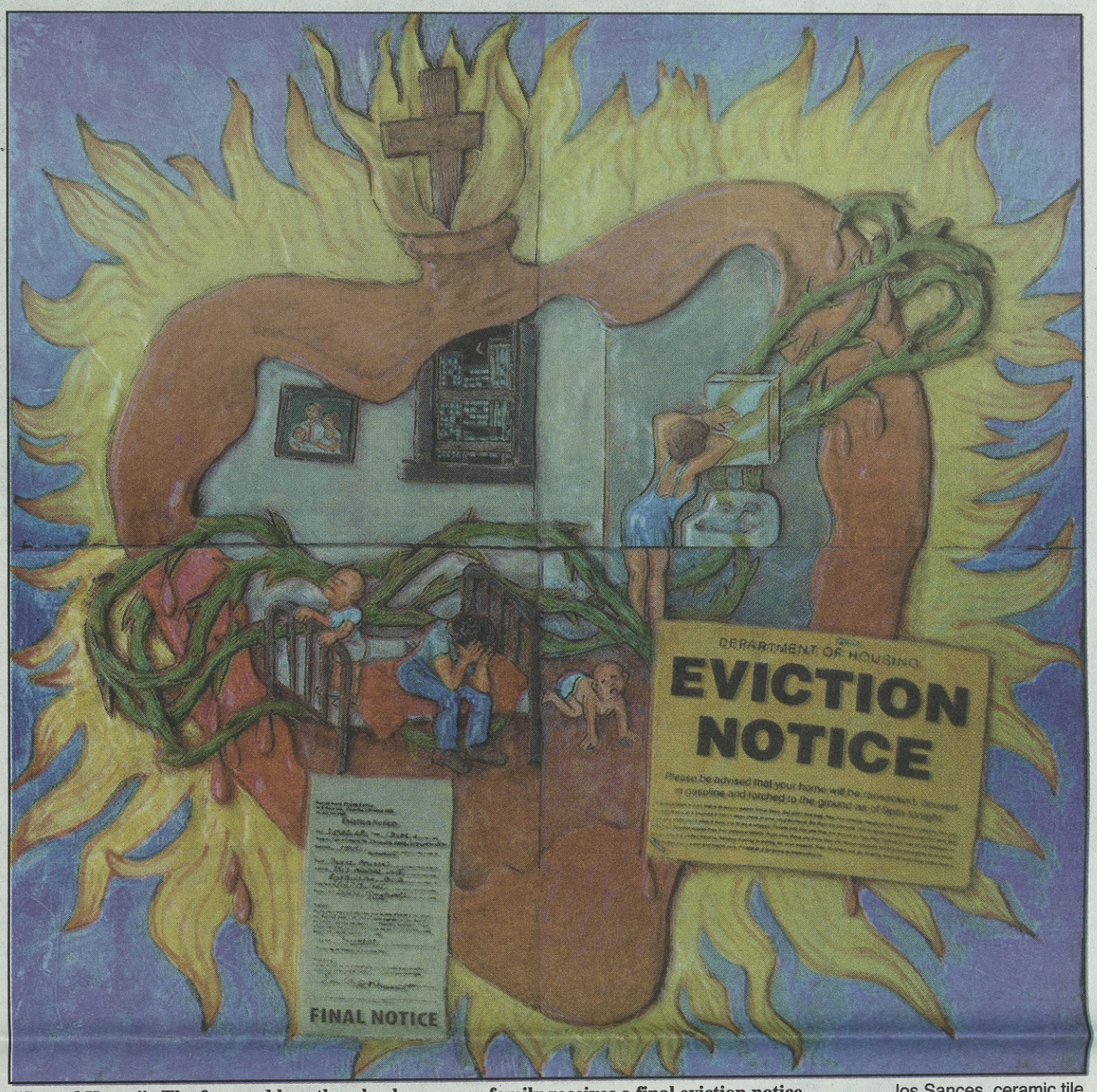
It also used to be safe for the homeless working poor to camp out up in the hills above the university for the night, due to a lack of shelter beds in Berkeley, but those days may also be long gone.

The homeless people should be allowed to exist in Berkeley, without fear of being harassed by the cops, just because they have nowhere else to hang out, due to being priced out of the crazy housing market.

Segregation Shaped San Mateo's Housing Crisis

Decades of policy decisions have excluded poor people and people of color, and made it almost impossible to meet housing needs in San Mateo.

by Marcy Rein



"Sacred Heart." **The fear and heartbreak when a poor family receives a final eviction notice.** Jos Sances, ceramic tile

Skyrocketing rents, multimillion-dollar homes, and an epidemic of evictions and displacement have become fixtures of life in San Mateo County.

Skyrocketing rents, multimillion-dollar homes and an epidemic of evictions and displacement have become fixtures of life on the Peninsula.

Widening income inequality is feeding this housing crisis: well-paid workers set the tone for the market, driving prices in an already wealthy area to astounding new heights. But this is barely half the story.

Housing availability in San Mateo County has never been determined solely by the market. Decades of public policy decisions have excluded poor people and people of color. By making it almost impossible to meet housing needs, these same decisions have propelled these crises.

Early development in San Mateo County was shaped by segregation, as it was in many places across the United States. Homeowners' associations and individual property owners attached restrictive covenants to their land deeds — clauses that barred the sale of the property to people based on their race, ethnicity and religion.

Blacks, Latinos, Asians and Jews found themselves locked out of neighborhoods around the region. The last restrictive covenant in San Mateo County wasn't voided until 2007. Homes in the Cuesta LaHonda Guild, in the rural southwestern part of the county, had had exclusionary clauses in their deeds since 1941, even though by 2007, the neighborhood had long been desegregated.

Housing Segregation Promoted by Federal Government

The U.S. government also actively promoted housing segregation through the Federal Housing Administration (FHA), which financed the bulk of private home construction during World War II and helped fuel the suburban housing boom. On the pretext that segregated neighborhoods posed lower insurance risks, the FHA required covenants on property deeds where it guaranteed loans.

"For the first 16 years of its life, FHA itself actually encouraged the use of racially restrictive covenants. It not only acquiesced in their use, but in fact, contributed to perfecting them," the U.S. Commission on Civil Rights wrote in its 1959 annual report.

The FHA would promise developers that it would make loans to homebuyers in a new subdivision; the developers would take the promise to the bank and get low-interest construction loans. It was understood that the FHA guarantee meant that the neighborhood would be segregated.

After World War II, the agency used low-interest home loans for veterans to maintain segregation by restricting the areas where veterans of color could use the loans.

The U.S. Supreme Court ruled in 1948 that racial covenants couldn't be enforced (Shelley v. Kraemer). But "...the FHA and VA continued to promote racial restrictions in their loan insurance programs until the 1960s," wrote Richard Rothstein in "The Making of Ferguson: Public Policies at the Root of its Troubles," (Economic Policy Institute Report, 2014).

After the federal Fair Housing Act passed in 1968, communities turned to planning and zoning to perpetuate segregation. While it was no longer legal to deny housing on the basis of race, cities could simply zone for large, single-family homes with spacious lawns and exclude the smaller homes and apartment buildings that low- and moderate-income people could afford.

In some cases, the policies were made specifically with racist intent. In others, residents made planning decisions that kept property values high and defended more subtly prejudiced visions of "quality of life." This outlook persists today, as shown by debates over alleged racism at a recent neighborhood association discussion of regional planning in the generally liberal City of San Mateo.

Whatever the motivation, the result has been the same. Little housing has been produced, and most neighborhoods have stayed wealthy and white.

San Mateo Flouts The Affordable Housing Law

Housing activists in California fought to amend the state law on city planning to support fair and affordable housing. The state's housing element law, passed in 1980, requires cities and towns to plan for their fair share of regional housing needs at all income levels. Regional councils of governments — such as the Association of Bay Area Governments (ABAG) — determine this need with a tool called the Regional Housing Needs Assessment (RHNA).

The RHNA looks at needs for very low-income, low-income, moderate, and high-income housing based on population and employment growth, existing employment, and employment growth near transit.

San Mateo County as a whole has consistently failed to meet its obligations to provide affordable housing. From 1988 to 2014, the county issued permits for only 34 percent of the low- and very low-income housing required.

Several cities issued no permits at all for housing in those brackets. Menlo Park didn't even submit the required housing action plan to the state Department of Housing and Community Development and was sued in 2012 by Public Advocates and the Public Interest Law Project on behalf of Peninsula Interfaith Action, Youth United for Community Action and Urban Habitat.

The groups brought the suit after Facebook announced its decision to move its corporate headquarters to Menlo Park. The company asked for permission to add nearly 10,000 new workers, 28 percent of them in low-wage positions. This would squeeze the already tight supply of affordable housing, and threatened to displace low-income city residents.

The lawsuit sought to stop any new commercial development until Menlo Park met its housing needs — just as an action brought by Public Advocates on behalf of a coalition in Pleasanton had done a few years earlier. Pleasanton lost when a U.S. Superior Court judge ruled in 2010 that its zoning policies violated state law.

Menlo Park opted to settle the suit, making an agreement that could lead to construction of 1,000 units of affordable housing.

Gentrification Threatens Peninsula Communities

Excluded from wealthy suburbs by covenants, redlining and zoning, low-income people and people of color were forced to stay out of the Peninsula entirely, or crowd into a few dilapidated neighborhoods. Many found their way north to Daly City and South San Francisco, or south to East Palo Alto, Menlo Park (Belle Haven) and North Fair Oaks.

Now, as workers stream into Silicon Valley from around the world, there are few outlets for housing demand. Formerly dis-invested areas, home to most of the Peninsula's communities of color, suddenly appear desirable. Facebook's move to Menlo Park, for instance, has spurred a cycle of rapid speculation and displacement in East Palo Alto, Belle Haven and North Fair Oaks.

Living in Cars and Garages or Leaving Silicon Valley Entirely

The consequences of the Peninsula's housing policies are reverberating around the region. Families and workers who have been left out of the economic boom are crowding in with friends or relatives, living in garages or cars, or leaving Silicon Valley entirely — often spending hours on the road to commute each day from the cheaper outskirts of Alameda, Contra Costa and Solano counties.

While San Mateo cities have been happy to accept new job growth, many have effectively outsourced their housing needs to other parts of the Bay Area, fueling rising rents, gentrification, traffic congestion, and air pollution, and raising questions about the role San Mateo is willing to play in planning for the future of the Bay Area.

Marcy Rein is a contributing editor for *Race, Poverty & the Environment*.

Shelter Crisis in Oakland

from page 1

population to market Oakland to outsiders. Oakland had been stigmatized as a "Black city," so they promoted its "changing demographics" and "new diversity."

Condo developers and restaurants never used African Americans in their advertisements. City leaders announced the "New Oakland" as if to say it was no longer a "Black city." As Oakland became more attractive to outsiders, housing costs rose and more African Americans were displaced.

Oakland was voted one of the country's "coolest cities," but today, Oakland's homeless people have been displaced into visible encampments located throughout the gentrified areas. They are mainly African Americans displaced by the city's gentrification.

Resembling Refugee Camps

The illegal encampments resemble Third World refugee camps. People sleep among trash in tents and on sleeping bags on the cold dirt or concrete sidewalk. Other people dump their trash in the encampments. There are rodents. The camps are often under noisy, dusty freeways. Police chase them away.

In this "new" Oakland, the people in the encampments are dehumanized, while pets are humanized and treated like spoiled children. Near one encampment, there is a doggy play and daycare and spa. It offers super suite boarding, pedicure and manicure, and "overnight cuddle time."

Near another encampment is a pet "country club" with "doggy daycare, pet hotel and spa." The brochure states that dogs can play in an "engaging environment" all day. When the dogs want to sleep, they can sleep in the hotel and "reminisce about their friends." Cats can enjoy a "private immaculate condo."

Do the pet owners ignore the encampments when they drop off their animals?

Shelter Crisis Ordinance

Right before Christmas 2015, I learned that the Oakland City Council would be addressing the issue of the African Americans displaced by gentrification. They planned to vote on an ordinance declaring a shelter crisis in Oakland. The meeting would be on January 5, 2016.

I read the meeting report and the proposed ordinance. I had written such reports for the Port and City and understood them. A crisis requires immediate and effective action. The declaration didn't seem to have any meaningful direction from the City. The ordinance seemed to be "just talk."

At the same time, Wanda Sabir emailed me that she and her family had been buying blankets, food, etc. and giving them to people in the encampments. She and her friend R. J. Reed planned to go back for Christmas.

I told Wanda about the proposed shelter crisis ordinance. People from the shelters and homeless community needed to attend the City Council meeting and try to make the declaration and ordinance meaningful.

I visited several shelters. The managers had not heard about the proposed ordinance. I also visited some encampments with Wanda and found out the people there had not heard about the ordinance either. But would the ordinance address the issue of the homeless community?

One of the people told Wanda that their biggest problem is being dehumanized and vilified. How would simply declaring a "shelter crisis" humanize them? How was the City Council making any decisions about this community without contacting them directly? Was the declaration "just talk"?



A banner carried by Oakland activists calls for health care, affordable housing, peace and food for all.

A week before the council meeting, a rainstorm belted Oakland. The winds blew away the tents of people living in a homeless encampment. People were exposed to cold rain, standing water and mud. That was a "shelter crisis."

We wanted the homeless camp residents to come and be seen and heard at the council meeting. I prepared flyers to inform the community about the meeting. I emailed them to the media and the shelters.

I also went with Wanda to distribute them to some encampments, and took flyers to a few shelters. I was surprised to see several men, who I knew personally years ago, were now living in the shelters and encampments. I also emailed members of the City Council and the City Administrator. Only Councilmember Desley Brooks replied to my email.

The vote was one of the first items of the meeting. Councilmember Brooks, the only member to say she had visited an encampment, pushed for the council to take concrete actions. That seemed obvious for addressing a "crisis."

However, she faced a bureaucratic roadblock, especially from the City Attorney. Councilmember Kaplan reminded us that the homeless form social connections and relocating the homeless should not break up those connections. Councilmember Gullien also mentioned working with Laney College to build tiny houses.

Then it was time for the public to speak on this issue. R. J. Reed had been going to the encampments with Wanda and had made friends there. He angrily told the City Council to "stop the foolishness" and do something.

Wanda told her own story of being homeless and she told the personal stories of people she had met in the encampments. Councilmember McElhaney was visibly moved.

Another woman reminded the City Council that many of the homeless were veterans. Unfortunately, no homeless persons spoke for themselves at that meeting.

One good thing came out of the meeting. The meeting room was packed with people who had come for several other city issues. As they waited for the City Council to address their issues, they heard the personal statements. Thus, the issue of homelessness was more personal and reached beyond the homeless community. At times, the whole room applauded Councilmember Brooks' support of the homeless community — showing that they supported the community as well.

Finally, Brooks made a motion to direct the City Administrator to open the Garden Center at Lake Merritt or another City-owned property as a temporary homeless shelter within 15 days. The City Council agreed to that, plus the City Administrator was to provide a report on a tiny house community for the next council meeting on January 19, 2016. The homeless shelter issue would also become a regular item for following council meetings.

Death at the Encampment

When Wanda and I went to an encampment a few days after the meeting, we heard about some changes that had taken place. Her friends living in the encampment told us that the City clean-up crew had been there. This time, they asked the homeless people to gather their possessions before they cleaned the rest of the area. That way, the clean-up crew would not throw away their possessions. In the past, the city workers simply cleared everything away — including the last of their personal possessions.

Sadly, we also found out that Waleena Mitchell, a resident of the encampment, had died. Her husband, Lionel, was grieving and would not come out of his tent to talk to Wanda.

Second Council Hearing

The Oakland City Council met again on January 19, 2016. This time, the shelter crisis was one of the last items to be discussed. This meant most of the people in the meeting would leave before hearing about the shelter crisis.

We sat through an item where a woman who lived in the Oakland hills complained because AT&T was placing a tower near her home. She was distressed that the ugliness of the tower would lower her property value and worried that the tower would disturb her peace and quiet. She brought a lawyer.

The woman and the City Council questioned whether or not the trees in the area were cedar or oak and whether or not the City had trimmed them, and if so, when.

The Real Shelter Crisis

But hers was not a "shelter crisis." A week before the meeting, a rainstorm belted Oakland. The winds blew away the tents and tiny houses of people living in a homeless encampment. People were exposed to cold rain, standing water and mud. That was a "shelter crisis."

Hours later, the City Council finally got to the real shelter crisis. Like at the last meeting, homelessness seemed to be an abstract issue to debate. The City Council had been given another report (which mentioned another report almost a year earlier). It listed options for addressing the shelter crisis. The biggest issue for the City was money.



Oakland activist Kheven LaGrone.

Neither the Garden Center nor any other City property would be opened as a temporary shelter. However, a few more beds would be provided at an existing shelter — though Brooks pointed out that this was not a significant number of beds for this crisis.

Councilmember Kaplan pointed out that the money spent to remove homeless people from the encampments could be better spent. She suggested that the city identify legally allowable encampments. Gullien was meeting with Laney College to discuss tiny houses, but they needed land.

Displacing People and Relocating Shelters

In the past, shelters had been centrally and conveniently located downtown. Since Oakland supported the gentrification that displaced people, Oakland owes it to them to help them stay.

It's not fair to relocate shelters just because a neighborhood gentrifies. They should be part of the diversity and new community. They are Oakland. If newcomers have a problem living near a shelter, they shouldn't move near it.

Despite Councilmember Brooks' pushing for a bigger commitment, the City Council only voted to spend $180,000 for immediate winter relief efforts. This included adding 50 beds to the existing winter shelter program. According to the City report, Oakland has over two thousand homeless people (although many advocates and service providers say the number is considerably higher). So this decision may not significantly impact the homeless community and is not a major commitment to addressing Oakland's shelter crisis. However, the City Council did vote to continue working on the crisis.

At that point, the City Council assumed the discussion was settled for the night and

See **Oakland Shelter Crisis** *page 7*

The Growing Plight of Internally Displaced Persons in Oakland

After Robert's wife died two years ago, he lost his will to survive. Since then he has lived on the streets. He says what is most disheartening is the stigma attached to homelessness. He said he is looked upon as if he isn't human.

by Wanda Sabir

Kheven LaGrone, R.J. Reed and I attended the Oakland City Council meeting where the Shelter Crisis Ordinance was addressed and passed on Tuesday, January 5. Before we spoke, City Councilperson Desley Brooks described going out over the holidays to various encampments and seeing first hand the squalor, cold and other challenges these internally displaced citizens face daily (especially when illegal dumping is added to an already difficult situation).

Ms. Brooks suggested using the Garden Center as a shelter and said she wanted this to be ready in minimally 15 days. She also recommended that the city look into the Tiny House Movement as alternative shelter options.

Her recommendation for the Garden Center was met with a legal stalemate, rather than support. Just an hour earlier, Public Works spent a lot of time telling us about the storms approaching Oakland, and what measures Oaklanders should take in case of flooding. They were speaking about major flooding, evacuation plans and shelters.

Their talk addressed those who lived in houses, not those people who live in tents. With the coming storms in mind, why then the delay in addressing the needs of people on the street, under freeways and bridges? At the encampment we visit frequently, the sidewalk is uneven and when it rains, the tents fill with water.

On Monday, Kheven and I saw people with tents on unpaved roads where the rain combined with loose dirt will make their encampment a muddy mess. This encampment was around the corner from a Doggy Daycare Center. I did not know there was such a thing.

Closer to downtown Oakland, there is a Dog Hotel and a Cat Cafe, (the first in the U.S.). The dog hotel is less than a five-minute drive from another encampment on San Pablo and West Grand Avenue. We saw a policeman writing a ticket. I don't know if he was noting the illegal dumping mess that needed to be cleaned up or about to harass one of the occupants.

At the council meeting, there were speakers who were concerned whether or not the evacuation plans (in the case of flooding) included pet welfare. Hurricane Katrina photos were shown. What was not shown were the hundreds of human beings left stranded on these same roofs. All life is valuable; however, the owner has to secure his or her oxygen mask first, right?

The twist is not that we are becoming more compassionate or forgiving — characteristics of the pets we love. The opposite is true. The new Oaklanders are self-centered in prioritizing their pets over the life of a person, especially a person in need. Similarly, in George Orwell's *Animal Farm*, when Napoleon and the other pigs begin to emulate the humans, the humanistic values which set the animals apart from the farmers (intent on exploitation of the labor class) evaporate.

When it was my time to speak on the crisis of homelessness, this is what I shared with the Oakland City Council.

Hi, my name is Wanda Sabir, and I have been homeless in Oakland. I was teaching at Laney College and my younger daughter was in her first semester in college. This was over ten years ago, but there are many Oaklanders like me, who were displaced through policies or politics.

I have friends who couch surf and have week-to-week contracts for rooms. One friend, a nurse, was injured at Kaiser and could no longer work. Too young for SSI, she was under-housed for years until she reached 65. I met a woman at a Kwanzaa Ceremony last Friday, who at 65 lost her home in Oakland. She had three children she was responsible for. She lived in her car for nine years. She is almost 80 now.

On Christmas, some friends and I prepared breakfast for an encampment of internally displaced persons. One of our group, Minister in Training Tracy Brown, put together a list of services in Oakland. My friend Alicia and her 18-year-old son set up the clothes give-away and Kheven passed out fliers about today's meeting. Another friend played live music on his tenor sax. R.J. Reed introduced me to the men; we return weekly to check in, including yesterday, to remind the men to come to the Council meeting today. I hope they are here. In talking to the two leaders, Mr. Robert and Mr. Lee, I asked what they would like to see regarding housing. Would they like to be moved into shelter as a community?

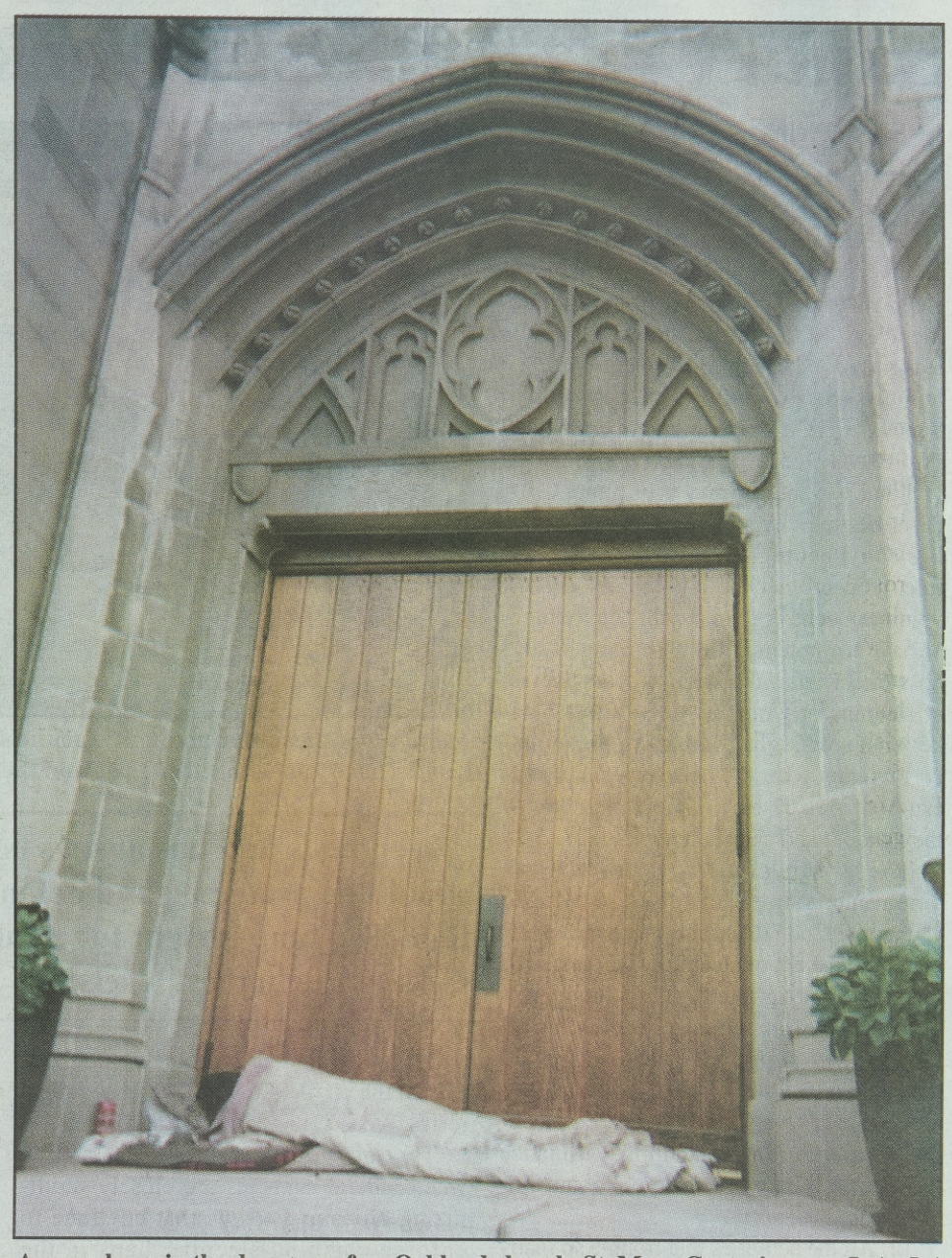
There is a quiet strength within these public spaces. I met a young man, Kenneth, who was kicked out of his home at 12 and has been on the streets for 12 years. When I went back on December 31, he was gone. His employer had picked up his belongings. We call ourselves The Auset Movement: Loving Humanity into Wholeness. If you know the story of Auset or Isis, then you understand the metaphor.

Robert told me that when his wife died, he lost his will to survive. This was two years ago. Since then he has made it on these streets. He says what is most disheartening is the stigma attached to homelessness or being internally displaced. He said he is looked upon as if he isn't human.

The UN Declaration of Human Rights includes the right to shelter, safety, dignity, gainful employment, healthcare, education. In California there is a law governing citizens' rights to shelter as well.

The City Council is to be commended for taking such a necessary first step. We would like to see a series of Town Hall meetings in the areas affected most by displacement, especially West Oakland and East Oakland. There are models for shelter plus care. One model I read about recently in the *Atlantic Monthly*, used in New York, Los Angeles and elsewhere, is called "Breaking Ground."

I started down this road back when no one wanted to live in West Oakland. I served on commissions like Coalition for West Oakland Revitalization, back when David Glover, OCCUR founder, was alive. The Private Industry Council was formed then too. Aleta Canon was council person for District 3 and Bernard Ashcroft was her chief aide. I remember when Frank Ogawa was alive and Oakland did not have anything like these encampments.



A man sleeps in the doorway of an Oakland church. St. Mary Center's "On Our Way Home" project documents homelessness in Oakland. Pedro Del Norte photo

Now, black men are becoming extinct right before our eyes. Displaced and unwanted, it was okay for them to live on the peripheries, but now there are no more edges to occupy and the blight is personal... Black bodies are taking up too much public space, so where do we put them seems to be the question.

Let's have a public conversation with these men and women who live on the edges of town, unwanted and unwelcome. This should be top priority. There are plans and structures still operating like the transitional housing shelter on 16th Street near Telegraph Avenue, because these facilities were developed with the affected communities' input.



Oakland activist Wanda Sabir.

Oakland Shelter Crisis

from page 6

started to move on without public input. People in the room protested. They had come to speak on the issue. "We didn't wait all this time for nothing," the homeless man behind me yelled.

Twenty-four people surprised the City Council by signing up to speak on the shelter crisis. R. J. Reed delivered the news of the death in the encampment since the last meeting. Wanda told the council that if she can use her own money to buy food and supplies for the encampments, surely the City could spend money. Rachel, who works for a homeless agency, told the council that her clients often died on the streets. She could barely speak through her tears. She went to sit in a dark corner by herself to cry.

The rest of the speakers were homeless people who told their own stories. Many of them came from nearby Henry Robinson Multi-Service Center. In contrast to the white woman who lived in the Oakland hills and worried about the trees, all the homeless speakers were African-American. One was a 67-year-old woman on SSI. Another woman said she had been sexually assaulted and saw fights in the shelters. Another identified herself as an educated single mother "who matters."

The meeting turned personal and emotional. They silenced the City Council. McElhaney listened teary-eyed. People put faces, names and stories on their homelessness. Would the Council have voted differently if they had heard these stories before they voted? Also, if this item had been discussed earlier in the meeting, more Oakland residents would have been moved by the stories.

On January 19, the homeless community made itself seen and heard at the Oakland City Council meeting. They put human faces on homelessness. They placed themselves in the "New Oakland." They included themselves in Oakland's "new diversity." Hopefully, they'll do more. Hopefully, it's not too late.

A homeless African-American man, born and raised in Oakland, told the council that "Oakland puts more emphasis on gentrification than the people who live here. They're trying to give Oakland some new identity."

He is right. Removing people like him is part of the gentrification process. However, by exercising his right to vote and to speak out, he can bring the City Council's emphasis back to him.

Santa Cruz Activists Work to Defend Right to Sleep

by Steve Pleich

For several weeks, a group of concerned citizens has been meeting to strategize ways to move forward in support of the right to sleep in Santa Cruz. The group includes members of the faith community, civic leaders, advocates for people experiencing homelessness, nonprofit executives and Santa Cruz City Councilmembers Micah Posner and Don Lane.

Lane, the former mayor of Santa Cruz, describes the city's existing ban on camping and sleeping by saying, "These are rules that protect the community against voluntary behaviors that either cause harm or have the potential to cause harm. Still, I do wonder what the harm is from the act of sleeping or wrapping oneself in a blanket on a cold night. And, more importantly, I wonder what the harm is when a government penalizes people for behavior they cannot and should not avoid."

The group plans to introduce an amendment to Section 6.36 of the Municipal Code (Camping) to remove reference to the act of sleeping and the use of blankets. Among the talking points developed for the campaign to generate broad community support for the proposed amendment are the following:

(1) Santa Cruz does not need a sleeping prohibition in its camping ordinance to effectively manage our public and private spaces.

(2) All the activities that trouble so many community members, including dirty campsites and long-term occupation of locations within parks and greenbelts, are fully addressed in other provisions in the Camping Ordinance, along with ordinances on littering, public urination/defecation, trespassing and hours of use in parks.

(3) Santa Cruz's ban on sleeping outside has not been an effective tool in reducing the number of homeless individuals in the city, even with one of the most restrictive sleeping laws in California.



Members of the faith community, political advocates, homeless people and civic leaders have joined together to defend the right to sleep in Santa Cruz.

"Sleeping is and has always been a human right that should be protected and defended by international convention. The time is right for a full-throated advocacy of that right at the highest levels." — Ed Frey, Santa Cruz attorney and activist

This new initiative comes at a time when federal agencies are closely scrutinizing cities and towns that continue to enforce camping/sleeping bans in the absence of adequate and available shelter. [See "In the Shadow of Bell v. Boise," January 2016 *Street Spirit* online edition].

When the winter shelter program ends in March or April, the city of Santa Cruz will literally have only a handful of beds available for the hundreds of individuals *in the community without shelter. In other* words, adequate shelter space does not exist. The existing ordinance would, in the opinion of the U.S. Department of Justice, be criminalizing some people simply because they are homeless.

Additionally, the U.S. Department of Housing and Urban Development (HUD) is now telling local communities that their applications for federal funding will be scored lower if the criminalization of involuntary acts such as sleeping outside is part of local policy.

Says Santa Cruz Housing NOW founder Linda Lemaster, "As a housing advocate, I fear that the current policies in our community prohibiting sleep may jeopardize the more than $2 million Santa Cruz receives annually from HUD."

It is also notable that bans on sleeping are now being roundly criticized from a purely economic perspective. Scott Keyes, senior reporter for ThinkProgress.org, writes, "Criminalization policies are problematic not only from a human rights perspective, but also because they're costly and counterproductive. Criminalizing homelessness also hurts taxpayers. When accounting for law enforcement and emergency health care costs, numerous studies have found that leaving homeless people on the streets winds up costing taxpayers more than three times as much as simply giving them housing and supportive services."

In addition, the United Nations Human Rights Committee has acted to condemn the criminalization of homelessness in the United States: "While appreciating the steps taken by federal and some state and local authorities to address homelessness, the Committee is concerned about reports of criminalization of people living on the street for everyday activities such as eating, sleeping, sitting in particular areas etc."

This statement echoes the concerns of Santa Cruz attorney and longtime homeless activist Ed Frey who says, "Sleeping is and has always been a human right that should be protected and defended by international convention. The time is right for a full-throated advocacy of that right at the highest levels."

Santa Cruz City Councilmembers Micah Posner and Don Lane hope to have the proposed amendment agendized for council consideration next month. Until then, efforts will continue to actively lobby business and community groups in support of the proposal as sound economic and public policy — as well as a call to conscience for the entire community.

Steve Pleich is an advocate for the right to sleep in Santa Cruz.

Speaking Truth to Power: Challenging S.F. Supervisor's Heartless Proposal to Ban Tents in Storm Season

Open Letter by TJ Johnston

Dear Supervisor Scott Wiener,

I just learned from a KQED news item on January 25 that you were interested in moving the homeless people who are living in encampments throughout San Francisco into transitional and/or permanent housing. That is a laudable objective.

At the same time, I also learned that you inquired about enforcing the ban on tents in public areas. As someone who has covered homelessness for numerous Bay Area publications, I feel compelled to tell you how problematic this two-pronged approach could be, especially during this El Niño season. Actually, a couple of noted homeless advocates could eloquently speak to this point.

First, here's Paul Boden, executive director of the Western Regional Advocacy Project: "There is simply nowhere for homeless people to go. They are sheltering themselves as best as they can in leaking tents in the midst of a storm, and here Supervisor Wiener, in a low blow to people struggling to survive, calls on the City to enforce a tent ban. He seems to forget that only the most heartless San Franciscan would send humans to shiver in the cold."

Jennifer Friedenbach, director of the Coalition on Homelessness, which publishes the Street Sheet, one of the papers for which I write, adds: "Mr. Wiener's letter is in direct contrast to the very spirit of the City of St. Francis. His timing was telling, as was his lack of solutions. Homeless people are suffering enough, and his letter was surprisingly cruel."

Now that I got the criticism out of the way, I'd like to move on to your request to other city officials — such as Human Services Agency Director Trent Rhorer and Sam Dodge from the Mayor's HOPE office — about the homeless encampments throughout the city. You had some specific questions about our homeless city residents, and while I might not be able to answer every one, there are some I could answer from the top of my head.

You asked about the people living in tents. I think it's obvious that they are camping out in tents for the lack of other viable housing options. Even though I can't place an exact figure as to how many people are living in tents, I think it's fair to assume that they are in significant numbers.

As to how they would differ from other segments of the homeless population, like those staying in the adult emergency shelters or the recently opened Navigation Center, I'd hazard a guess that they would find the process to enter the shelter too cumbersome. The shelter system for single adults has about 1,200 beds, and last year's point-in-time homeless count estimates almost 6,700, although the actual number could be more since it's usually considered an undercount. By more conservative estimates, there is just one shelter bed for every six homeless people. Odds are, they might not be able to get a bed for that night.

At the drop-in center at MSC South on Fifth and Bryant streets, people have to wait outside for hours, then submit their belongings to a search from security. It might be easier to just pitch a tent on the sidewalk rather than testing their luck at the shelter bed lottery.

As to how many vacancies in the shelter system, you could easily go to the city's Shelter Monitoring Committee's page on sfgov.org/sheltermonitoring. The monthly occupancy reports usually show the shelters operating at near-capacity. What data the city doesn't have — and would benefit from gathering — is the number of people turned away from shelters each night.

To answer your question about health hazards faced by the inhabitants, colds, pneumonia and exposure come to mind, as they would be aggravated in the recent rainfalls. Also, it's not unheard of that other pre-existing conditions, such as physical, mental and emotional disabilities, would exacerbate when one does not have stable, indoor housing.

As you might already be aware, the city has opened makeshift rainy-day shelters throughout the city, as well as expanding the capacity of existing shelters. St. Anthony Foundation, the Gene Friend Recreation Center and even the Conservatory of Flowers are among the few that have opened their doors to people seeking an indoor spot to sleep. And, Piers 29 and 80 have been suggested as potential safe harbors for homeless residents.

But lately, there has been a problem in alerting homeless people of their availability. Anecdotes suggest that operators of the city's 311 telephone system themselves aren't provided this information, thus leaving people out in the rain.

You asked, "What are the barriers to transitioning people from tents into housing?" I can provide one possible explanation. Last year, I was a peer researcher for the Coalition on Homelessness's report "Punishing the Poorest." The majority of people we surveyed and interviewed said they received citations from the police mostly for sitting, lying and resting outside. Most of the time, they are unable to pay their fines and are consequently issued an arrest warrant.

Eventually, when they do get collared, they serve out their punishment in the county jail. Upon release, they get a record, which automatically disqualifies them from public housing. Any civil assessments incurred for nonpayment of fines would appear on their credit report, creating another barrier to housing.

In short, the criminalization of acts by homeless people keeps them in a cycle of poverty. So in all probability, your inquiry to enforce a ban on sidewalk tents could perpetuate this cycle.

If you have any further questions, feel free to contact the Coalition on Homelessness — or any of your homeless constituents in District 8.

Sincerely,
TJ Johnston

Serving the People on Martin Luther King Day

She lost everything all at once — her job, housing, belongings, children, and then her freedom when the Berkeley police arrested her and put her in jail. This happened many times

by Wanda Sabir



Denise, Delene (with coffee and cups), and Jovelyn set up their table at a homeless encampment in Oakland and began serving meals. Next, the women walked down the street serving breakfast and hot coffee. Wanda Sabir photo

Rain, rain, and more rain seemed to be the forecast as we watched the clouds cover the skies above the San Francisco Bay Area leading up to the weekend of Martin Luther King Jr. Day. The Auset Movement planned to serve breakfast at a homeless encampment in Oakland. It was the same encampment we served last year.

After weekly visits with leadership and the camaraderie which has developed with the people there, we have decided to let it be our home base.

Just a week before, a resident of the encampment, Waleena Mitchell, died from a stroke, while another resident who had been hospitalized for about three weeks was released back into the streets. Mr. Lee told us that the ill woman's family invited her home to recuperate.

In the meantime, her partner, Mr. Robert, is still on the street (this makes it three years without adequate housing). We are certain the excessive cold weather in December added to the circumstances which caused Waleena's death.

I loaded the car with grilled wieners, Danish pastries and cinnamon and blueberry cake, insulated gloves, Styrofoam containers, forks, serving utensils, non-latex gloves for servers, toiletry packs, wool socks, rain ponchos, sweatshirts and knit hats, and a sympathy card for the deceased husband. Mr. Lionel hadn't been able to say goodbye. The hospital refused to let him see his partner, and then she died.

After I loaded the car, I got on the road.

Still mourning, Mr. Lionel didn't come out of the tent he had shared with his wife. I passed him breakfast, juice and the card into a hand outstretched through the front flap. The recent rain and loss of life seemed to have taken a toll on the inhabitants. Everyone seemed to be sleeping in this morning. We don't just pop by, so we were expected.

I had a great conversation with a man who remembered meeting me a week ago when RJ and I went by and learned of Ms. Waleena's stroke. Mitchell had just been released from the hospital a day before. He had a prosthesis and could not walk easily. As he sat on a shopping cart, his injured leg stretched out in front of him, I told him to hold tight and I'd get a meal for him. I pulled up a chair so he could have a place to put his food. We talked while he tried to eat and talk.

His late mother was an attorney and he'd spent a lot of time thinking about and studying human behavior. I learned that he was born in a small Louisiana town, Donaldsonville, but raised in Los Angeles and the Bay Area. This is where my friend, Dr. Robert Hillary King, prison abolitionist, was raised as a child.

Mitchell said before we study a person's mental capacity, we needed to understand how he fits within the dominant system which, of course, affects the thinking of its members. I told him I'd just completed two years in Depth Psychology, which is the study of the unconscious. This shifted the conversation again as we spoke about energy and archetypes and inherited patterns of behavior.

He asked me if in my studies I looked at grief or mourning. I told him that this and trauma was of special interest to me. This is one of the reasons why The Auset Movement includes performance art with the meal; there is healing energy in dance, singing, music. Jovelyn, a playwright and novelist, who was serving the meal, said that music was an invitation "home," home to self, home to spirit.

I was surprised when Mitchell told me he was going to work later that morning.

I kept interrupting our conversation to run over to greet new people as they approached the table where food was being served. I would inquire as to what they might need and then go to my trunk and get a few items. My trunk served as my store.

The meal consisted of our normal fare. Jovelyn cooked up a pot of her potatoes again. This time she added cumin and curry, giving the potato dish an orange streak against a buttery background.

Ms. Dolores sat in front of her tent slowly eating her breakfast. The previous week when I dropped by, I asked the residents what they needed and what they wanted. She wanted earrings, so I brought her several pair. She thanked me for remembering. She looked pleased with my selection.

While people came to pick up a meal or a piece of fruit, Brother Tacuma, Brother Val, Brother Tabaji and several others made a circle and began playing music. Again, it was like a call home. A little girl began to dance, and her mother joined her. Then Jovelyn, between serving potatoes, made a few moves (smile). The sun was shining brightly, a reflection of the mood among those present.

When Lisa and her son arrived, they set up tables where Claudia and her husband served coffee, along with juice and water. We also put gloves and knitted beanies there too. We didn't have many clothes items this time, especially men's pants and shoes, which everyone seems to need.

Delene, Denise and I took a handful of prepared plates, coffee carafe, juice and fruit (in our pockets) and walked up the street offering a meal to men we passed. Many said yes, welcoming the meal.

Delene's T-shirt had an abstract image of Maya Angelou which says, *"Because of them we can rise."* I felt it fitting on Martin Luther King Day.

After we ran out we walked back, got more food and then walked further down the block towards an encampment which was underwater, or showed signs of flooding; yet people were still there because no one bothered them.



Kwalin Kamaathi (at left) and Delene offered food and friendship to people living in Oakland homeless encampments. Delene's shirt has an abstract image of Maya Angelou. It says, *"Because of them we can rise."* Wanda Sabir photo

As I stood speaking to Zora, a car which had stopped nearby sped up and tried to run the two of us over. This happened a few more times with other cars and trucks passing by. I'd noticed this before when I'd visited the first week with RJ.

At night, it's really dark there and with the rain, cold and damp, the site is pretty uninviting. We passed out rain ponchos and socks, a coat and shoes until we ran out. As I edit this reflection a day later, it is raining again and I can't help but think about this community. I would love to drive by with more coffee and a careen of hot chicken noodle soup to warm them up inside.

I noticed that they all knew each other and said kind words to each other. They also all had dogs for protection. Three people had work, while others were displaced because they lost their jobs. One woman said that her unemployment ran out and she could not renew it. She said she could apply for general assistance this month.

Another woman lost her two daughters to the foster care system. She'd had custody of them when she didn't have housing one summer. She said they slept outside for three days and then she lost them. Her mother took one child and the other went to strangers. It took a year for the two children to be reunited.

Leajay had been on her own since she was 17 (when the same mother kicked her out). She is 33 now. She was an alcoholic, and then went into a program and cleaned up for ten years, when she was pregnant with her first daughter. She got a job with a nonprofit teaching parenting skills to women. She went into prisons to help women, and she also counseled them on how to keep their kids. The irony was, when the job ended, she lost her own.

She lost everything all at once — her job, housing, belongings in storage, children, and then her freedom when the Berkeley police arrested her and put her in

See **Breakfast on MLK Day** *page 11*

Mandatory Euthanasia

I immediately spotted a number of disintegrator guns built into the walls. I then realized I stood atop a steel grating that would allow for easy, vacuum-powered disposal of my remains, should it go that way.

Short Story by Jack Bragen

I was frantic to find a parking space. The "overload" light on the dashboard of my aging vehicle was flickering. I was pushing the aircar too hard. I finally spotted a vacant spot a good five blocks from the State of California Department of Euthanasia — the Pleasant Hill office, where I had an appointment and was late.

Another vehicle almost got my parking spot, but I had slammed on the accelerator pedal so much that I could barely get a safe landing. I feared the landing legs would break, but they didn't, albeit the impact jerked my head.

I looked at my timepiece: I was already fifteen minutes late. I scrambled out of the vehicle, slammed its door, and took off in the fastest walk I could manage. My lungs hurt and I could hear myself wheezing, from decades of breathing thickly polluted air. Gasping, I reached the front entrance. I paused to get my breath before stepping in.

A uniformed man behind thick glass projected impatience. I immediately spotted a number of disintegrator guns built into the walls. I then realized I stood atop a steel grating that would allow for easy, vacuum-powered disposal of my gaseous and liquid remains, should it go that way.

The man behind the glass said one word: "Payment."

I pulled my payment box from my shirt pocket. "How much?"

"Put your box in the drawer."

I hesitated, and the officer's hand hovered over a lever. I feared I was about to be summarily "euthanized" should I ask any more questions or hesitate any longer. I quickly put my payment box into the stainless steel drawer.

The officer pulled the drawer to his side of the glass, took my payment box and plugged it into a port. I could hear my payment box making a particular chime, a sound you never wanted to hear. It meant I had become overdrawn. This meant that a massive amount of money had been transferred — over 100,000 payment units — my life savings and more.

"Shit," I said, involuntarily.

I saw a faint smile flicker momentarily across his face that barely broke through a decided lack of expression. "You were not invited to speak."

The man behind the glass put my now worthless payment box back into the stainless steel drawer and slid the drawer out to me. I took it and put it back into my shirt pocket. I would be unable to make my mortgage payment, buy food, or even buy fuel for my aircar. My knees began to feel wobbly.

The man stared at me. He didn't say anything, and I dared not utter a word. This continued for a good five minutes. I didn't dare look him in the eye.

"You're in phase two," he said. "Go through that door." He pointed to the left.

The door was stainless steel and wasn't open. The man behind the glass pointed. I walked up to the door and it opened. I stepped through, and it slammed shut behind me with a resounding clash. I was in a narrow hallway with several doors along it. One of the doors opened, and I stepped through. A woman sat behind an *ornate desk that had binders, loose papers,* a phone, and a Gumby figurine on it.

"Thank you for your patience," she said. "This won't take long; just a few questions..." I was caught off guard by the woman's friendliness. I had expected another very mean person. "Take a seat," she said. I sat and I felt about ready to fall



Art by Joy DeStefano

apart. "How old are you?" she asked.

I replied, "I just turned 60, but I assure you I am in excellent health. I need little or no medical attention. I will not be a burden on society, and I can work if I have to."

"Are you signed up to be an organ donor?"

"No. Is that relevant?"

"Would you be willing to sign a paper now? You could save the life of a very important person."

I replied, "I would rather not."

The woman paused and keyed something into her computer. "Next question: if you become euthanized, do you have any preferences or last requests?"

"I was hoping that wouldn't happen."

"Mr. Williamson, I'll be frank. Our planet has limited resources, and life is on the verge of extinction. Our planet cannot support extra people. We have to get our numbers down."

I said, "I can perform. I am a contributing member of society. I've done a lot of things..." I realized my voice had begun to sound desperate. I stopped mid-sentence. I began to sob. "Please..."

The woman handed me a box of tissues. "It's okay, Mr. Williamson."

I regained composure and could feel a trace of anger. "Okay, then," I said. I paused, blew my nose in a wad of Kleenex, and cleared my throat. "Can I bribe you?"

The social worker, euthanasia worker, or whatever you want to call her, abruptly had a light in her eyes. "You have already transferred all of your assets to us."

I replied, "Would you take a used aircar in good running condition?"

The social worker paused. "My son needs a first car."

I said, "Consider the car his."

We shook hands. The social worker escorted me out a secret door. We walked to my vehicle, and I handed her the key fob.

"Thank you," I said, and started walking. Where I was headed I didn't know.

The End

Glaring Omissions in PRC Report

from page 2

can carry chemical agents in unexpected directions and did so in December of 2014. The air in downtown parking structures where some tried to shelter was not safe to breathe.

4. Medical intervention

The effects of CS gas, both immediate and long-term, can be affected by whether or not medical intervention is available — for which there were no plans made in December of 2014. Medical providers would need to wear completely protective clothing and specialized breathing apparatus to avoid incapacitation.

5. Other uncontrollable factors

If protesters or bystanders can't move, they can't get away from chemical agents wafting uncontrollably through the air. In December of 2014, people trying as best they could to leave to comply with dispersal orders or avoid bean-bag rounds and CS gas, were trapped by police lines. In at least one case, a CS gas canister was picked up and thrown back behind the police lines. People with pre-existing medical conditions risk death.

It is not possible to use an uncontrollable chemical agent in a controlled way. It is irresponsible to leave weapons banned for use in war in the hands of a police department which has in no way recognized this. And the PRC, if not the Police Department itself, has a responsibility to public safety. Sidestepping this responsibility is outrageous.

A third omission, the unwillingness or inability to govern mutual aid forces, was highlighted in a letter by local attorney Osha Neumann, who notes that a 1992 mandate passed by the Berkeley City Council requires that "BPD take direct supervisory responsibility for all mutual aid units..." If the PRC ignores this mandate, the current BPD practice of allowing mutual aid forces to ignore community standards creates a wide opportunity to sidestep local guidelines.

George Lippman, a PRC commissioner, salutes the "determination and courage" of community members who protested and testified repeatedly about the abuses they witnessed, saying, "the community needs to continue to engage with the commission to address remaining issues such as ending gas deployments in crowd situations and supervising mutual aid agencies as mandated by law; and to build on this momentum to overturn a documented pattern of racial bias in stops and searches, and finally bringing true oversight and accountability to policing in Berkeley."

A few weeks ago, a panhandler was sprayed with a chemical agent on College Avenue by an unknown assailant. The chemical floated into a nearby cafe affecting employees and diners.

The police, and perhaps others, may always be looking for the convenient weapon which will accomplish a perhaps dubious short-term objective. But our public health as a community is long-term, and our safety depends entirely on using the knowledge we already have about CS gas to make the same decision about it that the San Francisco Police Department has made.

CS gas should be prohibited for crowd management and crowd control for the obvious reasons — it creates confusion, panic, temporary blindness, and injury. It makes nonsense of any tactical plan with the mere introduction of the wind.

CS gas is taboo for use in war under international law. CS gas, even when used correctly in optimum circumstances, undermines public safety. The 2013 Nobel Peace Prize was awarded to the Organization for the Prohibition of Chemical Weapons because it created the Chemical Weapons Convention defining the use of chemical weapons as prohibited "under international law" according to Thorbjørn Jagland, Chairman of the Norwegian Nobel Committee.

The use of CS gas profoundly chills the First Amendment expression the City of Berkeley is legally obligated to protect.

If the Berkeley City Council, the Police Review Commission, and the Berkeley Police Department think they've demonstrated that there is a profound necessity for the use of chemical weapons in crowd management and crowd control, it was not in evidence in any of their collected video, first-hand accounts, or lengthy reports more than a year after a nonviolent march was held to uphold the civil rights that are sadly missing — not only nationwide, but in Berkeley, California.

Because We Upon This Earth Are One

by Carol Denney

the wealthy here on earth cannot
afford to scorn the poor
and not for fear of bringing
forth the wrath from heaven's door
and not because the first of stones
must come from someone free of sins
but because we upon this earth
are one we are one
because we upon this earth
are one

no man of wealth can truly know
what favor came his way
what fortune was an effort that
his birthright might betray
misfortune in some lives is spared
and all good fortune best is shared
because we upon this earth
are one we are one
because we upon this earth
are one

no man of wealth can cast an eye
on others in disdain
while knowing nothing of their lives
their stories and their pain
an open ear can always chart
the distance from an open heart
because we upon this earth
are one we are one
because we upon this earth
are one

Hidden in the Shadows, Powerful Corporations Control Our Economy

by Jack Bragen

I once attended a small business course that was hosted by the Concord Chamber of Commerce, and asked the high-priced lawyer who gave the seminar whether a corporation wasn't just some sort of paper chase that didn't refer to something that actually existed.

This expensive lawyer took offense, and insisted that a corporation is a real entity.

I can see part of his point: A corporation can't be touched, heard, tasted or smelled, but it is an organization in which different people do specific things that affect the real world. For something to be "real," it doesn't have to have tangible existence, like a piece of furniture.

Then, about two years ago, when I was getting free produce from the food bank (I qualify because I am low income), a man was near the food bank truck collecting signatures for a petition. He explained to me that he was seeking a constitutional amendment that would say a corporation is not a person and does not have the constitutional protections afforded to a person.

Up until that point, I hadn't realized that corporations are treated legally as though they were individuals. They receive many of the rights of individuals but don't have the same responsibilities.

The people who work for corporations in high positions seem to use their corporate status as a firewall behind which they can hide from the repercussions of their actions.

When the Wall Street meltdown occurred toward the end of the Bush administration, most of the executives weren't punished for irresponsible behavior that gravely damaged our economy and could have caused it to collapse. In fact, many were let go with severance checks in the tens of millions. This was money derived from the government bailout that our president said was necessary so that we could avert a disaster. Average citizens got a stimulus check; mine was three hundred dollars. The Bush administration wasn't beyond bribery — thinly veiled and purportedly a remedy for the economy.

When the BP Gulf Oil Spill took place in April 2010, British Petroleum Corporation (BP Oil) had to pay over 20 billion dollars in fines, and has a period of 18 years to pay them. However, I recall that the head of BP left President Obama's office with a smile on his face, according to a news report. Apparently, the punishment given to this company was not appropriate for the scope of the disaster. Manslaughter charges were filed against a couple of people in positions of supervising the oil rig, due to workers being killed in the accident, but not against any of the higher-ups. (These pending charges against mid-level management were recently dropped.)

Yet if you steal an avocado from a supermarket because you are starving, you are soon on the way to the county jail. People who hide behind the corporate cloak appear to be virtually immune to retribution for their crimes.

Corporate America is full of smug, unprincipled people. These are very powerful people who would rather exist in the shadows, cloaked by corporate anonymity. Collectively, as a corporation, they send lobbyists to Congress to get legislation passed that is favorable to them. This skews the playing field in their favor and prevents ordinary citizens from having a fair chance in the democratic process.

Amazon, through sheer size and predatory marketing strategies, has wiped out the bookstores. Now that the small bookstores are gone, they have begun opening their own bookstores, which will become a part of the monopoly. Amazon and Amazon Kindle use domineering and censorious tactics to expand their corporate power, in the eyes of many observers.

Microsoft, attempting to make everyone store all of their precious data on their "cloud" storage, is attempting to gain control over creative individuals. Microsoft periodically forces individuals to get a new operating system by ending support for the previous ones, systems that did the job just fine. With each new successive operating system, Microsoft has an increasing level of control, and we have a decreasing level of flexibility. They make computers simpler to operate, but take control and options out of the hands of the users.

These people, hiding behind their corporate shields, must not continue to have immunity, and must not have the ability to control everyone through their sheer size and power. Yet most ordinary people are simply concerned with daily survival, and may feel powerless to mount an effective campaign to reclaim their rights in a corporate-dominated economy.



Doug Minkler art

Corporation, ***n.*** **An ingenious device for obtaining individual profit without individual responsibility. —** ***Ambrose Bierce***

Berkeley Declares Shelter Crisis

from page 1

in light of decades of bluster about having enough "services" and just waiting patiently for that regional approach thing.

But don't stop watching, if you're paying enough attention to read this far. Emergency declarations can be useful. They can free up otherwise occupied funding or dissolve restricted zoning which might otherwise complicate the use of empty buildings for shelters, of which Berkeley has plenty.

But emergency declarations can also be abused. People can be forced off the street, as happens all over the country — whether it is officially recognized or not.

When New York Governor Andrew Cuomo recently issued an executive order to force the homeless off the streets in cold weather, New York Mayor Bill de Blasio sniffed that the city "already has the ability to forcibly remove homeless New Yorkers who are in imminent danger," as reported in the *New York Daily News* on January 5, 2016. That observation was affirmed by Police Commissioner Bill Bratton, who stated flatly that the transit police had been doing it since the early 1990s.

Berkeley does it, too. If the Berkeley police want you off the street, you're gone — maybe to John George Psychiatric for a psych evaluation, maybe for a three-day stay in Berkeley's own city facility, maybe down to North County or maybe off to Santa Rita jail.

An enormous amount of public money, not to mention police and emergency medical staff overtime, is spent fulfilling the Downtown Berkeley Association's dream of having the streets cleared of anybody too scruffy or with a few too many belongings to fit into their Disneyland dreamscape.

You might see an abandoned shopping cart with a few possessions in it — some books, some socks, some useful tools or bundled belongings — and wonder about it for a few seconds. And it might mean that someone was offered a warm, cozy room in a house in exchange for keeping up the yard or helping out around the place, and may have left a few things behind for the next guy.

But it might also mean that some impatient neighbor made a call and some city official caught someone shipwrecked by circumstance on a really bad day.

The Department of Justice in far-off Washington, D.C., has caught on to the way cities spend money pointlessly circling people in need through jails and hospitals. Now the DOJ is tiptoeing toward insisting that housing, actual housing, be the obvious solution through its remarkable August 6, 2015, Statement of Interest that declared that laws that criminalize homelessness are unconstitutional and amount to cruel and unusual punishment.

And the Housing and Urban Development guidelines for grants warn city governments that criminalizing homelessness is not only a misguided policy, but also may result in a denial of federal homelessness funding. It might seem like a moral point, but it is also a practical matter: Public funding should simply not be wasted on pointless, ineffective criminalization which often makes matters worse.

Maybe the Berkeley City Council is finally listening. Maybe it finally did a little math and realized that you could not only house people, you could put them through college with what we're spending on criminalizing the poor. It's a brand new year, and anything is possible.

But the community of conscience which consistently and reverently presses for the recognition that housing is a human right knows this moment well. An emergency declaration, long overdue, sounds good. Let's make sure it is used in a sensible manner to help ensure that everyone has a place to call home.

Breakfast on Martin Luther King Day

from page 9

jail. This happened many times. Homelessness is a crime in Berkeley (she said) and the remedy, incarceration.

I assumed that she was camping at UC Berkeley and other public or private spaces which did not want her present and had her arrested, until helping her find stable housing. So now she stays at this encampment which lately has been flooding, but despite the flooding, she said, at least no one seems to care that she and the seven or so other persons are there.

Geraldo, an older Latino man, has arthritis, so he suffers in the cold weather. Kaileen, who looked like a teenager, was soaking wet, from her shoes and socks up to her denim pants. All the people RJ and I met just a week earlier with the portable houses on wheels were gone, and who could blame them. They could move to higher ground, so they rolled away.

There was a gentleness with which everyone spoke to each other, even when one of the men was a bit edgy and went off a couple of times, once with his puppy who pooped all over the inside of their tent. Even when we were almost intentionally run over, all Zoe (another younger resident) said as a comment was that some motorists are *unkind*.

Outdoor survival camping is a skill set these adults have; however, it is not the kind of housing environment one should have to exist under. I saw lots of abandoned spaces. All that was left were tarps and other paraphernalia of the set-up from a week earlier when there were people living there.

We also saw a couple of government folks testing the soil nearby. I don't know why they were testing the soil. I noticed that the space had been cleaned up a bit since the previous week. RJ had left large plastic bags that residents had requested so they could clean the area to cut down on vermin. The large areas where there had been debris were cleared on MLK Day. This is not to say that the lonely track of road was completely cleared of trash.

It was the same with the first site, where we served breakfast. Waste management had picked up the larger items, like couches, broken furniture and clothes. What I couldn't understand was why they didn't pick up everything and then sweep up what was left. Nor did they leave brooms and dust pans for residents to keep the space cleaned up in either location.

I think today makes Day 14 since City Councilperson Desley Woods made the recommendation to convert the Garden Center into a shelter in 15 days. I presume this site will be opening this week, perhaps tomorrow, on day 15?

You Can't Stop the Spirit, She's Like a Mountain

Celebrating Frances Townes' Lifelong Dedication to Compassion for All



Frances Townes and Cynthia Arteaga with a painting created at Youth Spirit Artworks, a program for low-income and homeless youth.

Frances used her creative talents to express her strong views supporting faith-based love for ALL our neighbors, including our homeless neighbors.

by Sally Hindman

Frances Townes was 70 years old and had been a member of the First Congregational Church for 20 years when she founded the Berkeley Ecumenical Chaplaincy to the Homeless as a faith-based response to the challenges faced by homeless people in our community.

With support from fellow church member Moe Wright, she had started this ministry by doing radical, homeless-led outreach, empowering folks on the streets.

I first met Frances back in 1992 when she was helping to run the Chaplaincy, working closely with Rev. Bonnie Bloom, the Chaplaincy's second chaplain/director. As a Quaker minister, I was working with homeless folks in Oakland at the time, and it was amazing to me that someone Frances's age, even then in her mid-70s, was so actively engaged on the ground, helping to deal with homelessness.

I immediately admired her deep faith and passion. Frances had rolled her sleeves up and was committed to doing something. She couldn't stand to see so many people sleeping out on the church grounds and not respond. She would spend many of her days there in the First Congregational Church ministering to more than 100 people engaged in the Chaplaincy's work, working in her small office that had been converted from the old choir robing room.

The role of Frances at the Chaplaincy was particularly remarkable to me since I had learned she was the wife of Nobel Prize-winning physicist Charles Townes, a distinguished Cal faculty member. As the wife of the scientist who invented the precursor to the laser, Frances naturally was engaged in both town and gown.

She certainly did not need to also work with homeless people. She could have spent her days shopping and throwing tea parties! Yet at age 70, Frances had instead thrown herself into helping to nurture and support those most in need on our streets.

In 1995, by chance, I ended up taking a job working for the Chaplaincy, and suddenly found myself working alongside Frances. The relationship immediately became an absolute, utter pleasure. Frances was the most infectiously enthusiastic and fun person I had ever met. And to have Frances as a supporter and friend was the greatest privilege I could ever have imagined as a still recent seminary graduate involved in urban ministry.

In addition, I found it amazing to observe her ability to connect and empathize with everyone she met. Frances had dear, motherly relationships with all of the folks the Chaplaincy served. It seemed that everyone who met Frances considered her their confidant.

It wasn't surprising, for example, that when Elizabeth went to have her baby, she asked to have Frances there at the hospital. Or that when Willie got married, he wanted Frances to read at his wedding. This was Frances, the most socially engaged person I have ever known. She always had her arms stretched around someone, with her warmth and affection!

There are so many stories I could tell from my four years working alongside Frances — stories of her visits to the Chaplaincy, her laughter, her enjoyment of people, her warmth and all-around enthusiasm. I particularly loved her beautiful, stately, long, long, silver-gray hair which she clipped in a beautiful bun, and the colorful earrings she would wear. When you asked, she would tell you that Charlie had brought her the earrings from some exotic country where he was receiving an award.

During those days, the City of Berkeley was just beginning its efforts to try to criminalize homeless people, and so Frances, myself and Zen Buddhist Maylie Scott worked on initiating three different letters signed by more than 70 clergy and interfaith leaders opposing the criminalization of homeless people and standing up for justice and compassion.

Despite having struggled with dyslexia as a child, Frances had become a wonderful writer, and she used her creative talents to express her strong views supporting faith-based love for ALL our neighbors, including our homeless neighbors, both in poetry and in prose.

Celebrating the Life of Frances Townes and Youth Spirit Artworks

Saturday, February 13, Noon to 2: 30 p.m.
First Congregational Church of Berkeley
2345 Channing Way, Berkeley, CA 94704

On Saturday, February 13, 2016, from Noon to 2:30 p.m., family, friends and Youth Spirit Artworks supporters will gather at the First Congregational Church of Berkeley for a lunch benefiting Youth Spirit's important community work and celebrating longtime homeless advocate Frances Townes' 100th Birthday!

This wonderful event will support one of Frances Townes' favorite charities, Youth Spirit Artworks, an interfaith "green" jobs and job training program in Berkeley, which is committed to empowering homeless and low-income young people, ages 16-25. Proceeds will benefit the Frances H. Townes Mural and Bench, being executed this year by artist Wesley Wright working with YSA youth artists.

Mediterranean cuisine prepared by the award-winning chef, India Joze, will be served and the celebration will feature a Silent Auction including art from participants of Youth Spirit Artworks.

Tickets to the celebration are $40.00 and can be purchased at the door or via Brown Paper Tickets at: www.Frances100th.brownpapertickets.com
If you are unable to attend and would like to make a donation in honor of Frances H. Townes 100th birthday, you may do so on the Youth Spirit Artworks website at: www.youthspiritartworks.org. All donations will be matched 1:1 by a generous donor. We are encouraging gifts in denominations of $100. Proceeds will benefit the Frances H. Townes Mural and Bench at Youth Spirit Artworks.



Frances Townes at the unveiling of Youth Spirit Artwork's Art Cart.

Frances was an absolutely giant role model for me in how to live one's faith through sustained and spirited actions seeking justice and loving kindness and compassion. It was clear to me that Frances was never going to retire from her deep concern for the lives of those less fortunate!

At the age of 80, Frances decided it was appropriate to retire from her role as our Board President and when she did, the Chaplaincy held a wonderful party at the "Town and Gown" with proceeds benefiting the Chaplaincy, with many homeless people in attendance.

I remember her looking absolutely radiant at the party, wearing black, and then, returning to our office nearly immediately after retiring. It was clear to me that Frances was never going to retire from her deep concern and engagement in the lives of those less fortunate!

Years later, at the age of 90 and still again at 95, Frances has continued to be actively engaged in issues related to homelessness in our community. In 2012, she spoke at the Berkeley City Council opposing the proposed "no sitting" ordinance, which citizens ultimately defeated on the ballot. She has made multiple calls to City Council members and written numerous letters to the Mayor opposing unjust actions targeting homeless people in recent years.

She is turning 100 on February 13, and it comes as no surprise that once again, Frances has turned her birthday celebration into a benefit for homeless people, supporting Youth Spirit Artworks, one of the seedling homeless agencies planted by the Chaplaincy to the Homeless.

Frances Townes continues to be, at the age of 100, an infectiously indefatigable advocate for and with homeless people. She has been an absolutely giant influence and role model for me in how to live one's deep faith through sustained and spirited actions seeking justice and loving kindness and compassion.

As the song sings, *"You can't stop the Spirit, she's like a mountain. Old and strong, she goes on and on."*

Old and strong, may Frances Townes live on and on!